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A Professional Corporation

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Writer's Direct Dial: (972) 731-2270  
kharris@dfw.conleyrose.com

December 1, 2005

*Via Facsimile 571-273-6500*United States Patent and Trademark Office  
Attn: Refund Branch  
PO Box 1450  
Alexandria, VA 22313-1450**BEST AVAILABLE COPY**Re: Our File No.: 4044-00200  
Application No.: 10/005,808  
Deposit Account No.: 501515

Dear Sir:

A recent review of our November statement for Deposit Account No. 501515 shows an entry which we believe is in error.

On November 2, 2005 we filed an amendment charging additional claim fees and a terminal disclaimer totaling \$190.00 via facsimile to the central fax number of 571-273-8300. Unfortunately, when transmitting this facsimile, a few pages became jammed in our facsimile machine, the transmission was then stopped. On the second try, all 36 pages transmitted successfully. We believe that is the reason for the duplicate charge.

We therefore respectfully request a refund of \$190.00. Please credit this to our Deposit Account 501515. If you have any questions regarding this request, please feel free to contact me.

Thank you for your assistance.

Sincerely,  
CONLEY ROSE, P.C.  
Karen Harris  
Legal Assistant to Michael W. Piper/kh  
Enclosure

31536.01/4044.00200



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Patent and  
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**Deposit Account Statement**

**Requested Statement Month:** November 2006  
**Deposit Account Number:** 501515  
**Name:** CONLEY ROSE PC  
**Attention:** CARLA HOGAN  
**Address:** 5700 GRANITE PARKWAY, SUITE 330  
**City:** PLANO  
**State:** TX  
**Zip:** 75024  
**Country:** UNITED STATES OF AMERICA

| DATE  | SEQ  | POSTING<br>REF TXT | ATTORNEY<br>DOCKET<br>NBR  | FEE<br>CODE | AMT         | BAL     |
|-------|------|--------------------|----------------------------|-------------|-------------|---------|
| 11/01 | 19   | 11215500           | 210708US00 (4081-07100)    | 1061        | \$130.00    | \$11.47 |
| 11/02 | 1    | 09954976           | 4017-03001                 | 2252        | \$225.00    | \$11.26 |
| 11/02 | 3    | 10694069           | 1030-23601                 | 1811        | \$100.00    | \$11.15 |
| 11/02 | 161  | 11215500           | 210708US00 (4081-07100)    | 8021        | \$40.00     | \$11.11 |
| 11/02 | 169  | 10887767           | 4005-01104                 | 8021        | \$40.00     | \$11.07 |
| 11/02 | 178  | 60878123           |                            | 8021        | \$40.00     | \$11.03 |
| 11/02 | 182  | 10957278           | 4004-07503                 | 8021        | \$40.00     | \$10.99 |
| 11/03 | 1    | 10880901           | 2003-012001 (1391-45200)   | 1806        | \$180.00    | \$10.81 |
| 11/03 | 83   | 10005808           | 4044.00200                 | 2202        | \$125.00    | \$10.88 |
| 11/03 | 84   | 10005808           | 4044.00200                 | 2814        | \$85.00     | \$10.62 |
| 11/04 | 34   | 10005808           | 4044.00200                 | 2202        | \$125.00    | \$10.48 |
| 11/04 | 35   | 10005808           | 4044.00200                 | 2814        | \$85.00     | \$10.43 |
| 11/04 | 38   | E-REPLENISHMENT    |                            | 9203        | -\$4,000.00 | \$14.43 |
| 11/04 | 149  | 11264900           | 210791US00(4081-08400)     | 1011        | \$300.00    | \$14.13 |
| 11/04 | 150  | 11264900           | 210791US00(4081-08400)     | 1111        | \$500.00    | \$13.63 |
| 11/04 | 151  | 11264900           | 210791US00(4081-08400)     | 1311        | \$200.00    | \$13.43 |
| 11/07 | 5    | 11264892           | 210691US00 (4081-07000)    | 1011        | \$300.00    | \$13.13 |
| 11/07 | 6    | 11264892           | 210691US00 (4081-07000)    | 1111        | \$500.00    | \$12.63 |
| 11/07 | 7    | 11264892           | 210691US00 (4081-07000)    | 1311        | \$200.00    | \$12.43 |
| 11/07 | 15   | 10681020           | 2001-IP-005305 (1391-4510) | 1201        | \$1,800.00  | \$10.63 |
| 11/07 | 73   | 10805886           | 4040-08600                 | 2501        | \$700.00    | \$9,933 |
| 11/07 | 74   | 10805886           | 4040-08600                 | 1504        | \$300.00    | \$9,833 |
| 11/07 | 1557 | 78748229           | 4059-04600                 | 7001        | \$325.00    | \$9,308 |
| 11/07 | 1959 | 78748407           | 4059-05200                 | 7001        | \$325.00    | \$9,983 |
| 11/08 | 19   | 11062977           | HES 2004-IP-0147700U1      | 1814        | \$130.00    | \$8,853 |
| 11/08 | 22   | E-REPLENISHMENT    |                            | 9203        | -\$8,000.00 | \$14.85 |
| 11/08 | 100  | 10941406           | 990021U1D1(1391-20801)     | 1201        | \$200.00    | \$14.65 |

*Duplicate Charge*

|                          |                           |      |             |         |
|--------------------------|---------------------------|------|-------------|---------|
| 11/08 142 76365398       | 4030-00500                | 7004 | \$150.00    | \$14.50 |
| 11/09 3 10681020         | 2001-IP-005305 (1391-4510 | 1808 | \$180.00    | \$14.32 |
| 11/09 8 10375183         | 2002008379U1              | 1401 | \$500.00    | \$13.82 |
| 11/09 157 11257221       | 34212US (1856-45700)      | 1011 | \$300.00    | \$13.52 |
| 11/09 158 11257221       | 34212US (1856-45700)      | 1111 | \$500.00    | \$13.02 |
| 11/09 159 11257221       | 34212US (1856-45700)      | 1311 | \$200.00    | \$12.82 |
| 11/09 160 11257221       | 34212US (1856-45700)      | 1202 | \$500.00    | \$12.32 |
| 11/09 1399 1945793       | 4119-02500                | 7205 | \$100.00    | \$12.22 |
| 11/09 1400 1945793       | 4119-02500                | 7201 | \$400.00    | \$11.82 |
| 11/14 240 11270966       | 2005.08.013.NSO (4133-022 | 1011 | \$300.00    | \$11.52 |
| 11/14 241 11270966       | 2005.08.013.NSO (4133-022 | 1111 | \$500.00    | \$11.02 |
| 11/14 242 11270966       | 2005.08.013.NSO (4133-022 | 1311 | \$200.00    | \$10.82 |
| 11/14 1533 78752130      | 4040-10200                | 7001 | \$650.00    | \$10.17 |
| 11/15 15 10957278        | 4004-07503                | 1252 | \$450.00    | \$9.723 |
| 11/16 3 E-REPLENISHMENT  |                           | 9203 | -\$5,000.00 | \$14.72 |
| 11/16 161 11272314       | 2005.02.007.WSO (4133-018 | 1011 | \$300.00    | \$14.42 |
| 11/16 152 11272314       | 2005.02.007.WSO (4133-018 | 1111 | \$500.00    | \$13.92 |
| 11/16 153 11272314       | 2005.02.007.WSO (4133-018 | 1311 | \$200.00    | \$13.72 |
| 11/16 212 11270966       | 2005.08.013.NSO (4133-022 | 8021 | \$40.00     | \$13.68 |
| 11/17 74 3009174         | 4040-07902                | 8503 | \$15.00     | \$13.68 |
| 11/18 170 11274435       | 4162-00600                | 2011 | \$160.00    | \$13.51 |
| 11/18 171 11274435       | 4162-00600                | 2111 | \$260.00    | \$13.26 |
| 11/18 172 11274435       | 4162-00600                | 2311 | \$100.00    | \$13.16 |
| 11/18 173 11274435       | 4162-00600                | 2201 | \$100.00    | \$13.06 |
| 11/18 174 11274435       | 4162-00600                | 2202 | \$250.00    | \$12.81 |
| 11/21 45 11280790        | 4072-01900                | 1011 | \$300.00    | \$12.51 |
| 11/21 48 11280790        | 4072-01900                | 1111 | \$500.00    | \$12.01 |
| 11/21 47 11280790        | 4072-01900                | 1311 | \$200.00    | \$11.81 |
| 11/21 200 11281129       | COS-1045 (4176-01100)     | 1011 | \$300.00    | \$11.51 |
| 11/21 201 11281129       | COS-1045 (4176-01100)     | 1111 | \$500.00    | \$11.01 |
| 11/21 202 11281129       | COS-1045 (4176-01100)     | 1311 | \$200.00    | \$10.81 |
| 11/22 2 E-REPLENISHMENT  |                           | 9203 | -\$5,000.00 | \$15.81 |
| 11/22 704 78143693       | 4115-01300                | 7004 | \$150.00    | \$15.66 |
| 11/22 710 78143696       | 4115-01200                | 7004 | \$150.00    | \$15.51 |
| 11/22 717 78147032       | 4115-01100                | 7004 | \$150.00    | \$15.36 |
| 11/22 870 1937180        | 4004-07400                | 7205 | \$100.00    | \$15.26 |
| 11/22 871 1937180        | 4004-07400                | 7201 | \$400.00    | \$14.86 |
| 11/22 1397 78758951      | 4072-02100                | 7001 | \$1,950.00  | \$12.91 |
| 11/22 1725 76587037      | 4059-01900                | 7004 | \$150.00    | \$12.76 |
| 11/23 45 11281129        | COS-1045 (4176-01100)     | 8021 | \$40.00     | \$12.72 |
| 11/25 100 11175422       |                           | 8021 | \$40.00     | \$12.68 |
| 11/25 102 11150038       |                           | 8021 | \$40.00     | \$12.64 |
| 11/25 184 11284536       | COS-1021 (4176-00100)     | 1011 | \$300.00    | \$12.34 |
| 11/25 195 11284536       | COS-1021 (4176-00100)     | 1111 | \$500.00    | \$11.84 |
| 11/25 196 11284536       | COS-1021 (4176-00100)     | 1311 | \$200.00    | \$11.64 |
| 11/28 174 11284536       | COS-1021 (4176-00100)     | 8021 | \$40.00     | \$11.80 |
| 11/30 53 E-REPLENISHMENT |                           | 9203 | -\$5,500.00 | \$17.10 |

DEC-01-2005 09:42

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START  
BALANCE  
\$11,608.00

SUM OF  
CHARGES  
\$20,000.00

SUM OF      END  
REPLENISH      BALANCE  
\$25,500.00      \$17,108.00

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**CONLEY ROSE, P.C.**  
**5700 Granite Parkway, Suite 330**  
**Plano, Texas 75024-6616**  
**Telephone Number: (972) 731-2288**  
**Fax Number: (972) 731-2289**

**PLEASE DELIVER THE FOLLOWING PAGES IMMEDIATELY TO:**

**NAME:** USPTO  
Refund Branch

**FAX:** 571-273-6500

**FROM:** Karen Harris  
Legal Assistant to Michael W. Piper

**DATE:** December 1, 2005

**RE:** Refund Request for Deposit Account 501515

**Total Number of Pages (Including Cover Page):** 5

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**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING  
REJECTION OVER A "PRIOR" PATENT**Docket Number (Optional)  
4044-00200

In re Application of: David L. Dinwoodie

Application No.: 10/005,808

Filed: December 3, 2001

For: Interactive Remote Auction Bidding System

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The owner, BidCatcher, L.P., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term prior patent No. 6,415,269 as the term of said prior patent is defined in 35 U.S.C. 154 and 173, and as the term of said prior patent is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, "as the term of said prior patent is presently shortened by any terminal disclaimer," in the event that said prior patent later:

- expires for failure to pay a maintenance fee;
- is held unenforceable;
- is found invalid by a court of competent jurisdiction;
- is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321;
- has all claims canceled by a reexamination certificate;
- is reissued; or
- is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1. ☐ For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney or agent of record. Reg. No. 39,800

*Michael W. Piper*  
Signature

November 2, 2005  
Date

Michael W. Piper  
Typed or printed name

972731-2288  
Telephone Number

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) included.

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This collection of information is required by 37 CFR 1.321. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PAGE 3/36 \* RCVD AT 11/2/2005 7:05:51 PM [Eastern Standard Time] \* SVR:USPTO-EFXXF-6/27 \* DNIS:2738300 \* CSID:9727312289 \* DURATION (mm:ss):09:32

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